

Assembly Bill No. 2374

CHAPTER 753

An act to amend Sections 6971 and 6972 of the Public Contract Code, relating to public contracts.

[Approved by Governor September 28, 2016. Filed with
Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, Chiu. Construction Manager/General Contractor method: regional transportation agency: County of Placer: bridges.

Existing law authorizes regional transportation agencies, as defined, to use the Construction Manager/General Contractor project delivery method, as specified, to design and construct certain expressways that are not on the state highway system if: (1) the expressways are developed in accordance with an expenditure plan approved by voters, (2) there is an evaluation of the traditional design-bid-build method of construction and of the Construction Manager/General Contractor method, and (3) the board of the regional transportation agency adopts the method in a public meeting.

This bill would authorize the use of the Construction Manager/General Contractor method for the construction of 2 specified bridges that are not on the state highway system. For the purposes only of this authorization, the bill would include the County of Placer within the definition of a regional transportation agency. The bill would also remove the requirement that a project be developed in accordance with an expenditure plan approved by voters.

This bill would make legislative findings and declarations as to the necessity of a special statute for bridges located in the County of Placer and the City and County of San Francisco.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the County of Placer should be considered a transportation planning agency for the purposes of this Chapter 6.7 (commencing with Section 6970) of Part 1 of Division 2 of the Public Contract Code in order to effectuate the construction of a replacement bridge span using Construction Manager/General Contractor authority. The Federal Highway Administration had authorized full funding for the replacement of the county-owned and maintained Yankee Jims Road Bridge Project in the County of Placer and has encouraged the use of Construction Manager/General Contractor methods to complete this project. The geography, topography, and location of the bridge present many

potential complex challenges, and the Construction Manager/General Contractor could reduce delays and ensure that such challenges are fully understood at the outset of construction.

(b) Nothing in this act shall extend any other authority to the County of Placer as a transportation planning agency under any other law.

SEC. 2. Section 6971 of the Public Contract Code is amended to read:

6971. For purposes of this chapter, the following definitions apply:

(a) “Construction manager” means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting and engineering services as needed pursuant to a Construction Manager/General Contractor method contract.

(b) “Construction Manager/General Contractor method” means a project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. The contract for construction services may be entered into at the same time as the contract for preconstruction services, or at a later time. The execution of the design and the construction of the project may be in sequential phases or concurrent phases.

(c) “Preconstruction services” means advice during the design phase, including, but not limited to, scheduling, pricing, and phasing to assist the regional transportation agency to design a more constructible project.

(d) “Project” means either of the following:

(1) The construction of an expressway that is not on the state highway system.

(2) The construction of the following bridges that are not on the state highway system:

(A) Yerba Buena Island (YBI) West Side Bridges Seismic Retrofit Project.

(B) Yankee Jims Road Bridge Project in the County of Placer (Replacement/Rehabilitation).

(e) “Regional transportation agency” means any of the following:

(1) A transportation planning agency described in Section 29532 or 29532.1 of the Government Code.

(2) A county transportation commission established under Section 130050, 130050.1, or 130050.2 of the Public Utilities Code.

(3) Any other local or regional transportation entity that is designated by statute as a regional transportation agency.

(4) A joint exercise of powers authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the transportation project will be developed.

(5) A local transportation authority created or designated pursuant to Division 12.5 (commencing with Section 131000) or Division 19 (commencing with Section 180000) of the Public Utilities Code.

(6) The Santa Clara Valley Transportation Authority established pursuant to Part 12 (commencing with Section 100000) of Division 10 of the Public Utilities Code.

(7) The County of Placer.

SEC. 3. Section 6972 of the Public Contract Code is amended to read:

6972. (a) A regional transportation agency may utilize the Construction Manager/General Contractor method of procurement to design and construct projects pursuant to this section.

(b) A regional transportation agency may enter into a Construction Manager/General Contractor contract pursuant to this chapter after evaluation of the traditional design-bid-build method of construction and of the Construction Manager/General Contractor method and the board of the regional transportation agency affirmatively adopts the procurement strategy in a public meeting.

(c) The entity responsible for the maintenance of the local streets and roads within the jurisdiction of the expressway shall be responsible for the maintenance of the expressway.

SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding bridge transportation construction projects in the County of Placer and the City and County of San Francisco.